



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

BDM/TBM
F. #2021R00164

*271 Cadman Plaza East
Brooklyn, New York 11201*

August 8, 2024

By ECF

The Honorable Joseph A. Marutollo
United States Magistrate Judge
Eastern District of New York
255 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Shares of 21 East 61st Street Apartment Corp. et al.
Civil Docket No. 24-2147

Dear Judge Marutollo:

The parties respectfully write pursuant to the Court's Order entered on July 26, 2024, directing the parties to file a joint status report by August 8, 2024 and setting a deadline of October 4, 2024 for the filing of a responsive pleading in the above-captioned civil forfeiture proceeding.

As noted in the government's previous status update letters, the government filed a Verified Complaint In Rem on March 25, 2024 seeking forfeiture of two luxury properties in New York, New York. ECF No. 1. Thereafter, the government issued notice and commenced publication in accordance with the requirements of 18 U.S.C. § 985(c) and Rule G(4)(b) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions (the "Supplemental Rules"). See ECF Nos. 6-8. On June 3, 2024, a claim was filed on behalf of Lovitas, Inc., Baloas, Inc., and Hak Seon Kim. ECF No. 10.

On June 14, 2024, the government served special interrogatories on the claimants directed to their standing, which is a threshold issue in all forfeiture proceedings. Supp. R. G(6)(a)-(c) (providing that government need not respond to any motion to dismiss until after claimant has answered special interrogatories); see, e.g., United States v. \$8,440,190 in U.S. Currency, 719 F.3d 49, 57 (1st Cir. 2013) ("Standing is a threshold consideration in all cases, including civil forfeiture cases."). Pursuant to Rule G(6)(a) of the Supplemental Rules, responses to the special interrogatories are ordinarily due within 21 days. At claimants' request, the government consented to two extensions of the deadline by which to serve their responses, which were served yesterday and are being reviewed by the government to determine whether

additional discovery on the threshold issue of the claimants' standing is warranted.

Respectfully submitted,

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